

REMARKS/ARGUMENTS

Initially, Applicant and the undersigned wish to extend their gratitude to the Examiner for her courtesy in granting the aforementioned Interview and also for her helpful insight offered during the Interview. Claims 1 and 20 of the present application have been amended herein in a manner consistent with the Examiner's suggestions made during the Interview in order to overcome the Examiner's remaining objections to the claims.

Although not indicated on the "Interview Summary" (Form PTOL-413), an Exhibit was, in fact, shown to the Examiner and a demonstration of that Exhibit was conducted by Mr. Rogers during the Interview. That Exhibit was a model device fabricated by Mr. Rogers which is highly similar in construction to the circular, ring-like, hinged, two-part hair clip shown in FIGS. 2-6, 9-13 and 15-18 of U.S. Patent No. 5,535,765 to Takashima, the primary reference relied upon by the Examiner in rejecting previously appealed claims 1-20. In Applicant's model device, a rubber band is wrapped around the hinge axis of the device and opposite ends of the rubber band are received in engaging structures formed at the distal ends of the hinged arms. As demonstrated to the Examiner during the Interview, Applicant's model device requires one to forcibly hold the opposed pivoted ring members in a "closed" condition in opposition to the tensile force of the elastic band extended about the device's pivot axis. As manual "closing" or squeezing force is gradually decreased, the tension of the band causes the pivoted ring members to open. That is to say, contrary to the Examiner's assertion in the "Substance of Interview" section of the "Interview Summary" (Form PTOL-413),

Applicant's model clearly revealed to the Examiner that the "elastomeric means" of Takashima itself would not bias the opposed pivoted ring members into closed position "if using manual force of the user." Rather, it is only the manual force of the user in closing the device -- which overwhelms the natural tendency of the rubber band to open the device -- that causes the device to close. The rubber band plays no role in closing the device. It only serves to open the device -- as Applicant has rightly and consistently maintained since his February 16, 2005 response to the first USPTO Action issued in the instant application.

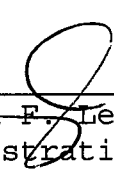
Continuing, independent claims 1 and 20 have been amended herein in the manner suggested by the Examiner, i.e., to place the term "for" immediately after the term "means" in the "elastomeric means" clauses of each of claims 1 and 20. Applicant maintains that, as originally drafted, the "elastomeric means" clauses of each of claims 1 and 20 were proper "means plus function" clauses which duly invoked 35 U.S.C. § 112, paragraph 6. However, in the spirit of cooperation and in the interest of quickly and favorably terminating prosecution of this long-pending application, claims 1 and 20 have been amended as proposed by the Examiner to move the connecting language "said elastomeric means being in contact with said first and second body members" to the end of the respective "elastomeric means" clauses of each of claims 1 and 20.

Since, during the Interview, Applicant clearly demonstrated to the Examiner that Takashima does not disclose the invention defined in independent claims 1 and 20, and since claims 1 and

20 have been amended in conformance with the Examiner's request, the instant application is believed to be in condition for allowance. Accordingly, early issuance thereof is earnestly solicited.

Respectfully submitted,

Date: February 6, 2009



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